

OLL 84-3146  
27 June 1984

MEMORANDUM FOR: Chief, Regulations Control Division

FROM:

[redacted]  
Legislation Division  
Office of Legislative Liaison

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SUBJECT:

Comments by the House Permanent Select  
Committee on Intelligence on [redacted]

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1. On 25 May 1984, this Office notified the House Permanent Select Committee on Intelligence (HPSCI) and Senate Select Committee on Intelligence (SSCI) of [redacted] which provides for special leave for officers overseas who do not qualify for home leave. (See letters to HPSCI and SSCI attached at TAB A). Since this regulation was promulgated pursuant to subsection 4(b)(2) of the Central Intelligence Agency (CIA) Act of 1949, we were required by law to notify the HPSCI and SSCI of the regulation before such a regulation takes effect. Because of a misunderstanding, the HPSCI and SSCI were notified after this particular regulation was promulgated. In subsequent discussion, I informed the staff of the HPSCI and SSCI that publication of the regulation without notice to the oversight committees was inadvertent, and that the authorities provided for in the regulation would not be exercised until the HPSCI and SSCI had a chance to comment on the regulation.

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2. In a letter to the Director of Central Intelligence (DCI), dated 8 June, the Chairman of HPSCI acknowledged receiving notice of the regulation and indicated committee support for the substance of the regulation.<sup>1</sup> (See letter to DCI at TAB B). However, the Chairman urged that some outside limit be placed on the amount of special leave that

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<sup>1</sup>The SSCI indicated orally that they did not have any objection to the regulation.

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S E C R E T

could be authorized under the regulation. This suggestion had been discussed informally with the staff of the HPSCI, and after checking with the Office of General Counsel (OGC) and the Special Support Assistant to the Deputy Director for Administration, I indicated that the Agency would agree to such a limitation.<sup>2</sup> The Chairman also requested more careful compliance with the requirement that regulations issued pursuant to subsection 4(b) of the CIA Act be provided to the Oversight Committees prior to their being promulgated.

3. In view of these developments, I would suggest that [redacted] be amended so that limitation is put on the maximum amount of special leave that could be granted. The Chairman of the HPSCI had indicated a preference for a 30 day maximum limit, but this figure is not set in stone. If an employee needs leave time in excess of the maximum amount agreed upon, this can be given through sick leave or administrative leave. Attached at TAB C is suggested language that amends [redacted] to incorporate a maximum limit on the amount of special leave that can be granted. Once the amendment to the regulation has been agreed upon, this Office will inform the staff of the HPSCI prior to the final promulgation of the amendment.

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4. In addition to amending [redacted] I would suggest that an effort be made to ensure that any proposed regulation issued pursuant to 4(b) of the CIA Act be provided to this Office for transmittal to the HPSCI and SSCI prior to final promulgation of the regulation. The staff of Regulation Control should be made aware of this requirement and any question as to whether a regulation is being issued pursuant to the special authorities contained in § 4(b) of the CIA Act should be referred to OGC.

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5. If you have any further questions regarding this matter, please give me a call at [redacted]

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Attachments

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<sup>2</sup>The Office of Personnel was also recently informed of the suggested change in the regulation and that Office interposes no objection to putting a cap on the amount of special leave that can be granted.

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Central Intelligence Agency



Washington, D.C. 20505

20 MAY 1984  
OLL 84-2161/1

Mr. Michael J. O'Neil  
Chief Counsel  
Permanent Select Committee on Intelligence  
House of Representatives  
Washington D.C. 20515

Dear Mike:

This letter is to notify you of a new regulation authorizing special leave of absence for those employees who have suffered exceptional physical hardship, abuse, or psychological stress in their post overseas, and who then are required to return home because of such hardship or stress, or because the host country declares them persona non grata. Because this new regulation is issued pursuant to subsection 4(b)(2) of the CIA Act of 1949, as amended, we are submitting it to the Committee as required by that subsection. [redacted]

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The reason for issuing this new regulation is to ensure that employees who have suffered physical hardship or stress while serving overseas and who must return from their post short of the required period for home leave have an opportunity to take equivalent leave. This very situation arose in 1983 when a case officer and his wife [redacted] declared persona non grata after undergoing intensive interrogation [redacted]. It was decided to send the case officer on a brief TDY to visit his parents, who were not witting of his CIA affiliation, so that he could explain how to handle press inquiries concerning his expulsion [redacted] even though he had not served the required time [redacted] to qualify for home leave. After this incident, it was decided for humanitarian reasons that a regulation was needed to provide for special leave in circumstances where there would not be an operational justification for a TDY. As you will note in examining the regulation, the authority to approve this special leave is at a very senior level within the Agency. [redacted]

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If you have any additional questions concerning this regulation, please contact David Pearline of my staff. [redacted]

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Sincerely,

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Deputy Director, Office of Legislative Liaison

Enclosure

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SECRET

Central Intelligence Agency



Washington, D.C. 20505

25 MAY 1984  
OLL 84-2161

Mr. Gary M. Chase  
Chief Counsel  
Select Committee on Intelligence  
United States Senate  
Washington D.C. 20510

Dear Gary:

This letter is to notify you of a new regulation authorizing special leave of absence for those employees who have suffered exceptional physical hardship, abuse, or psychological stress in their post overseas, and who then are required to return home because of such hardship or stress, or because the host country declares them persona non grata. Because this new regulation is issued pursuant to subsection 4(b)(2) of the CIA Act of 1949, as amended, we are submitting it to the Committee as required by that subsection. [redacted]

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If you have any additional questions concerning this regulation, please contact David Pearline of my staff. [redacted]

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Sincerely,

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Deputy Director, Office of Legislative Liaison

Enclosure

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# EXECUTIVE SECRETARIAT ROUTING SLIP

TO:

		ACTION	INFO	DATE	INITIAL
1	DCI				
2	DDCI				
3	EXDIR		✓		
4	D/ICS				
5	DDI				
6	DDA	✓			
7	DDO				
8	DDS&T				
9	Chm/NIC				
10	GC				
11	IG				
12	Compt				
13	D/Pers				
14	D/OLL	✓			
15	D/PAO				
16	SA/IA				
17	AO/DCI				
18	C/IPD/OIS				
19					
20					
21					
22					

SUSPENSE

Remarks

Executive Secretary

6/12/84

Date

3637 (10-81)

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